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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC.  
VYTORIN/ZETIA SECURITIES LITIGATION

Civil Action No. 08-2177 (DMC) (JAD)

**AMENDED  
NOTICE OF MOTION**

To: All Counsel on ECF Mailing List

COUNSEL:

PLEASE TAKE NOTICE that in accordance with the schedule set forth in the Fourth Stipulated Amendment to Pretrial Scheduling Order, entered on February 1, 2011, the undersigned counsel for Plaintiffs shall move before Hon. Dennis M. Cavanaugh, U.S.D.J. at the United States Post Office and Courthouse Building, Newark, New Jersey 07101 for class certification in accordance with Fed.R.Civ.P. 23.

The undersigned intends to rely upon the annexed Amended Memorandum of Law, Joint Declaration Of Daniel L. Berger and Salvatore J. Graziano filed on February 7, 2011 (Dkt. No. 121-5), and Declaration of Gregg A. Jarrell, dated September 15, 2011 and filed concurrently herewith. A proposed form of Order is also annexed.

The undersigned hereby requests oral argument.

CARELLA, BYRNE, CECCHI,  
OLSTEIN, BRODY & AGNELLO, P.C.  
Co-Liaison Counsel for Plaintiffs

BY: /s/ James E. Cecchi  
JAMES E. CECCHI

Dated: September 16, 2011

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